



PATENT  
ATTORNEY DOCKET NO. 051726-0002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Jonathan. H. Bari, et al. )  
Application No. 09/759,225 ) Group Art Unit: 2131  
Filed: January 16, 2001 ) Examiner: M. Vaughan  
For: METHOD AND SYSTEM FOR SECURE )  
REGISTRATION, STORAGE, )  
MANAGEMENT AND LINKAGE OF ) **MS AMENDMENT**  
PERSONAL AUTHENTICATION )  
CREDENTIALS DATA OVER A )  
NETWORK )

**RECEIVED**

NOV 23 2004

**OFFICE OF PETITIONS**

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**REQUEST FOR RECONSIDERATION**

In response to the Office Action dated September 15, 2004, the period for response to which extends through December 15, 2004, Applicants respectfully request reconsideration of this application based on the following remarks.

Claims 1-43 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Novell's "Digitalme" publication dated October 5, 1999 (hereinafter "Novell"). Applicants respectfully traverse these rejections for at least the following reasons.



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Sir:

**REQUEST FOR RECONSIDERATION TRANSMITTAL FORM**

1. Transmitted herewith is a Request for Reconsideration in response to the Office Action dated September 15, 2004.
2. Additional papers enclosed:
  - ☒ [X] Petition to Suspend Rules Under 37 C.F.R. § 1.183
  - ☒ [X] Declaration Under 37 C.F.R. § 1.131 w/attachment pages 1 and 2
  - ☐ [ ] Citations
  - ☐ [ ] Declaration of Biological Deposit
  - ☐ [ ] Submission of ☐ Sequence Listing ☐, computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply.

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 430.00	\$215.00
<input type="checkbox"/> three months	\$ 980.00	\$490.00
<input type="checkbox"/> four months	\$1,530.00	\$765.00

Extension of time fee due with this request: \$ 0.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for     months has already been secured and the fee paid therefor of \$            is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

5. Fee Calculation (37 C.F.R. 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. 1.16(c))	43	Minus	43	0	x \$18 each=	+ \$ 0.00
Independent Claims (37 C.F.R. 1.16(b))	2	Minus	2	0	x \$88 each=	+ \$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$300.00	+ \$
SUB-TOTAL =						\$
Reduction by <input type="checkbox"/> for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

☐ No fee is to be paid at this time.

☒ Please charge our Deposit Account No. 50-0310 in the amount of \$130.00 for the filing of the Petition to Suspend Rules Under 37 C.F.R. § 1.183.

☐ Check in the amount of \$\_\_ for \_\_\_\_.  
The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

Attorney Docket No.: 051726-0002

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☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: Mary Jane Boswell  
Mary Jane Boswell  
Reg. No. 33,652

Dated: November 19, 2004

**CUSTOMER NO. 09629**

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As evidenced in the Declaration Under 37 C.F.R. § 1.131 (the "*Declaration*") filed concurrently herewith, the invention as recited in claims 1-43 of the present application were conceived and reduced to practice prior to the publication of Novell in October 1999 (the "*Critical Date*"). The *Declaration* demonstrates that the inventions claimed in claims 1-43 were actually reduced to practice before the *Critical Date*. Applicants therefore submit that Novell should not be considered as prior art to these claims under any subsection of 35 U.S.C. § 102.

Thus, for at least the above reasons, Applicants respectfully request that the rejections of claims 1-43 under 35 U.S.C. § 102(a) be withdrawn.

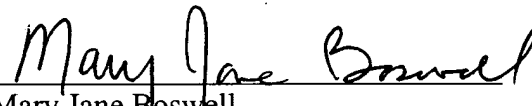
### **CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration of the application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
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Dated: November 19, 2004

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